UNITED STATES PATENT AND TRADEMARK OFFICE

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KATTEN MUCHIN ROSENMAN LLP
525 WEST MONROE STREET
CHICAGO, IL 60661-3693

EXAMINER
BLACKMAN, ANTHONY J

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/679,391
Filing Date: October 03, 2000
Appellant(s): BATES ET AL.

BATES et al

For Appellant

EXAMINER'S ANSWER

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is

correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,198,883	RANGAN et al	3-2001
6,205,231	ISSADORE-BARRECA et al	3-2001

Microsoft Press Computer Dictionary Third edition, page220, "graphical user interface",

Copyright 1997 by Microsoft Corporation

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following ground(s) of rejection are applicable to the appealed claims:

Claims 31-36 are anticipated by RANGAN et al under 35 U.S.C. 102 (b). Claims 37-38

are rejected under 35 U.S.C. as being unpatentable over RANGAN et al in view of

ISSADORE-BARRECA et al, US Patent No. 6,205,231.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3.   Claims 31-36 are rejected under 35 U.S.C. 102(e) as being anticipated by

RANGAN et al, US Patent No. 6,198,833.

4.   As per claim 31, examiner interprets RANGAN et al to disclose in its entirety, " a

method for automatically identifying an object in a plurality of video frames and

associating the object with an event (column 4, lines 36-42 and 66-column 5, line 20)

comprising:

determining *a location* in one of said video frames where an action by a pointing device

has occurred defining a selected location (column 3, lines 29-64 – <u>please note</u> <u>lines 29-</u>

<u>34</u>);

determining a color value of said selected location (column 3, lines 29-64- <u>please note</u>

<u>lines 35-44</u> - a continuation from column 3, lines 29-34); and

automatically associating an event with said color value *of said selected location* in said

one video frame and automatically associating events with said color value in

succeeding video frames (column 4, lines 20-32)".

5.   As per claim 32, examiner interprets RANGAN et al to disclose in its

entirety, "A system for automatically identifying an object in a series of video

frames and associating an event with said object (column 4, lines 36-42 and 66-

column 5, line 20), the system comprising:

a system for determining a location in one video frame where an action by a

pointing device has occurred defining a selected location (column 3, lines 29-64-

<u>please note lines 29-34</u>);

a system for determining a color value associated with said selected location in

said one video frame (column 3, lines 29-64 - <u>please note lines 35-44</u> – a

continuation from column 3, lines 29-34); and

a system for automatically associating an event with said object color value in

succeeding video frames (column 4, lines 20-32)".

6.   As per claim 33, examiner interprets RANGAN et al to disclose in its

entirety, "A method for automatically identifying an object in a plurality of video

frames and associating the object with an event (column 4, lines 36-42 and 66-

column 5, line 20) comprising:

determining the coordinates of an object in a video frame that is selected by a

pointing device defining a selected object (column 3, lines 29-64-

please note lines 29-34);

determining a color range for said selected object (column 3, lines 29-64 - please

note lines 35-44 – a continuation from column 3, lines 29-34);

and automatically associating an event with said color range of said selected

location in said one video frame and automatically associating events with said

color value in succeeding video frames (column 4, lines 20-32)".

7.   As per claim 34, examiner interprets RANGAN et al to disclose in its entirety "A

system for automatically identifying an object in a series of video frames and

associating an event with said object (column 4, lines 36-42 and 66-column 5, line 20),

the system comprising:

a system for determining the coordinates of an object in one video frame that has been

selected by a pointing device defining a selected object (column 3, lines 29-64 –

please note lines 29-34);

a system for determining a color range for said selected object in said one video frame (

column 3, lines 29-64 – please note lines 35-44); and

a system for automatically associating an event with said color range in said one video
frame and succeeding video frames (column 4, lines 20-32)".

8.   As per claim 35, examiner interprets RANGAN et al to disclose in its entirety, "A
method for automatically identifying an object in a plurality of video frames and
associating the object with an event (column 4, lines 36-42 and 66-column 5, line 20)
comprising:

determining the coordinates of an object selected in one of said video frames by a
pointing device defining a selected object (column 3, lines 29-64 – please note lines 29-
34);

determining a color pattern for said selected object (column 3,lines 1-column 4, line 42-
please note that the color signatures are representative of the color pattern as claimed
on column 3, lines 60-64 and column 4, lines 25-30); and

automatically associating an event with said color pattern of said selected location in
said one video frame and automatically associating events with said color pattern in
succeeding video frames (column 4, lines 20-42 and 66-column 5, line 20).

9.   As per claim 36, examiner interprets RANGAN et al to disclose in its entirety, "A
system for automatically identifying an object in a series of video frames and
associating an event with said object (column 4, lines 36-42 and 66-column 5, line 20),
the system comprising:

a system for determining the coordinates of an object in one video frame selected a

pointing device defining a selected object (column 3, lines 29-64 – please note lines 29-

34);   .

a system for determining a color pattern for said selected object in said one video

frame (column 3,lines 1-column 4, line 42- please note that the color signatures are

representative of the color pattern as claimed on column 3, lines 60-64 and column 4,

lines 25-30);

and a system for automatically associating an event with said color pattern in said one

video frame and succeeding video frames (column 4, lines 20-42 and 66-column 5, line

20)".

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over

RANGAN et al, US Patent No. 6,198,833 in view of ISSADORE-BARRECA et al, US

Patent No. 6,205,231.

12.   As per Claim 37, examiner interprets RANGAN et al to disclose in its entirety, "A

method for automatically identifying an object in a plurality of video frames and

associating the object with an event (column 4, lines 36-42 and 66-column 5, line 20,

39-51 and column 11, lines 30-42) comprising:

even though RANGAN et al <u>does not</u> expressly teach use of an "edge means" in the

remaining claimed features and limitations of claim 37, RANGAN et al does teach

determining the coordinates of an object in one of said video frames selected by a

pointing device defining a selected object (column 3, lines 29-64 – <u>please note lines 29-</u>

<u>34</u>);

determining the color values of said selected object (column 3, lines 29-64 – <u>please</u>

<u>note lines 35-44</u>);

and automatically associating an event with said color values in said one video frame

and automatically associating events with said color values in succeeding video frames

associated with the color values (column 4, lines 36-42, 66-column 5, line 20, column 6,

lines 39-51, column 11, lines 3-14 and lines 30-42), *and even though*

RANGAN et al disclose a "Set-up that includes operations such as pre-selecting

tracking element shape and size, pre-selecting number of target and test pixels, and so

on (column 11, lines 3-5), RANGAN et al still <u>does not</u> expressly teach use of an "edge

means".

Conversely, ISSADORE-BARRECA et al suggest edge-processing means in

association with color characteristics/luminosity characteristics (column 5, lines 35-62).

It would have been obvious to one skilled in the art at the time of the invention to use

the "...widely practiced edge detection technique known as SOBEL's Algorithm is used

to detect an edge of an object 20. The edge is according to Gonzalez and Woods, a

boundary between two regions of an image (the two regions being the object 20 and the

background 22 of figure 2...(column 5, lines 45-62) associated with "methods for

identifying object[s] within the video image (column 5, lines 45-46) for"...easily

identifying objects within a digitized moving video image (column 3, lines 19-22) of

ISSADORE-BARRECA et al. ISSADORE-BARRECA et al modifies "a method for

tracking a moving entity in a video presentation (column 2, lines 35-54)" of RANGAN et

al because both inventions share similar technological environments corresponding to

the processing of moving video images (ISSADORE-BARRECA et al) and tracking

moving entities in a video presentation. Further, the addition of ISSADORE-BARRECA

et al identifies and traces an object within a video image (abstract, lines 1-2), in addition

to providing hot spot capability for identified and traced objects (abstract, lines 1-4).

13.   As per Claim 38, examiner interprets RANGAN et al to disclose in its entirety, "A

system for automatically identifying an object in a series of video frames and

associating an event with said object (column 4, lines 36-42, 66-column 5, line 20, 39-

51 and column 11, lines 30-42), the system comprising:

even though RANGAN et al does not expressly teach use of an "edge means" in the

remaining claimed features and limitations of claim 37, RANGAN et al does teach a

system for determining the coordinates of an object in one video frame selected by a

pointing device defining a selected object (column 2, line 66- column 3, line 54, 55-64,

and 65-column 4, line 42);

a system for determining the color values of said selected object in said one video

frame (column 3, lines 29-64 – please note lines 29-34); and a system for automatically

associating an event with said color values in said one video frame and succeeding

video frames (column 4, lines 36-42, 66-column 5, line 20, column 6, lines 39-51,

column 11, lines 3-14 and lines 30-42)" *and even though*

RANGAN et al disclose a "Set-up that includes operations such as pre-selecting

tracking element shape and size, pre-selecting number of target and test pixels, and so

on (column 11, lines 3-5), RANGAN et al still does not *expressly teach use of an "edge*

means".

Conversely, *ISSADORE*-BARRECA et al suggest edge-processing means in

association with color characteristics/luminosity characteristics (column 5, lines 35-62).

It would have been obvious to one skilled in the art at the time of the invention to use

the "...widely practiced edge detection technique known as SOBEL's Algorithm is used

to detect an edge of an object 20. The edge is according to Gonzalez and Woods, a

boundary between two regions of an image *(the two regions being the object 20 and the*

background 22 of figure 2...(column 5, lines 45-62) associated with "methods for

identifying object[s] within the video image (column 5, lines 45-46) for"...easily

identifying objects within a digitized moving video image (column 3, lines 19-22) of

ISSADORE-BARRECA et al.

ISSADORE-BARRECA et al modifies « a method for tracking a moving entity in a video

presentation (column 2, lines 35-54)" of RANGAN et al because both inventions share

similar technological environments corresponding to the processing of moving video

images (ISSADORE-BARRECA et al) and tracking moving entities in a video

presentation. Further, the addition of ISSADORE-BARRECA et al identifies and traces

an object within a video image (abstract, lines 1-2), in addition to providing hot spot

capability for identified and traced objects (abstract, lines 1-4).

It would have been obvious to one skilled in the art at the time of the invention to use

the "...widely practiced edge detection technique known as SOBEL's Algorithm is used

to detect an edge of an object 20. The edge is according to Gonzalez and Woods, a

boundary between two regions of an image (the two regions being the object 20 and the

background 22 of figure 2...(column

5, lines 45-62) associated with "methods for identifying object[s] within the video image

(column 5, lines 45-46) for"...easily identifying objects within a digitized moving video

image (column 3, lines 19-22) of ISSADORE-BARRECA et al. ISSADORE-BARRECA

et al modifies « a method for tracking a moving entity in a video presentation (column 2,

lines 35-54)" of RANGAN et al because both inventions share similar technological

environments corresponding to the processing of moving video images (ISSADORE-

BARRECA et al) and tracking moving entities in a video presentation. Further, the

addition of ISSADORE-BARRECA et al identifies and traces an object within a video

image (abstract, lines 1-2), in addition to providing hot spot capability for identified and

traced objects (abstract, lines 1-4).

(10) Response to Argument

Appellant argues that RANGAN et al clearly does not suggest or disclose the following elements of claims 31 and 32 as well as claims 33-38.

Claim 31 recites in combination, a method which includes a step or determining the location where an action by a pointing device has occurred.

Responding to appellant, first, examiner cites column 3, lines 29-64 please note lines 29-34 refer to a graphical user interface (GUI) usable by an editor for selecting and centering... and initiating a tracking element (as per the previous FINAL Office Action). For further clarification, please refer to the attached definition from the Microsoft Press Computer Dictionary Third Edition on page 220 to verify that the pointing device as claimed and the graphical user interface (GUI) usable by an editor for selecting and centering... and initiating a tracking element clearly show that one of ordinary skill in the art is aware that the means of the pointing device disclosed at column 3, lines 29-64 is analogous to the pointer as claimed.. Further, the GUI means (the pointer means) is also disclosed at column 7, lines 34-52 disclosing a tracking element placed over an image entity to be tracked.

Regarding claim 31, appellant further disclosed that RANGAN et al does not provide the step of determining a color value with the selected location and automatically associating an event with the color value in succeeding video frames.

RANGAN et al discloses at column 3, lines 35-44 the equivalent of the step of determining a color value with the selected location and automatically associating an event. Further, column 4, line 66-column 5, line 20 discloses initiation of tracking of any

image entity or entities in a video stream, after which initiation tracking may be

automatic, wherein appropriate coordinate tracking data associated with the image

entity or entities is provided and synchronized. The image entities are directly related to

the events. The image entities "[are] meant [to be] any person or thing depicted in a

video display, such as a player in a sports game, and actor in a play, a car in a car race,

and so on (column 5, lines 8-10)". The final limitation of claim 31 is also anticipated by

RANGAN et al, " and automatically associating an event with said color value of said

selected location in said one video frame and automatically associating events with said

color value in succeeding video frames". RANGAN et al discloses analogous

processings at column 4, lines 20-32 with color values of the signature pixels in a first

frame and discloses a test function for determining the color signature of the signature

pixels at the assumed position and at a plurality of test positions in the immediate

vicinity of the assumed position wherein the pixel signature most closely matches the

image signature. The succeeding frames are analogous with the assumed positions and

plurality of test positions in the immediate vicinity of the assumed position (frame or first

frame) pursuant the Final Office Action. Further still, column 4, lines 32-35 disclose

frame by frame processing. Representing the succeeding video frames. Even further,

to underscore the disclosure relating to the color values associated with the succeeding

video frames, column 7, lines 7-52 disclose not only frame by frame tracking

coordinates of a swim suit, but also disclose an editor selection process using well-

known cursor technique[s] (drag and drop, click-on etc.) and the tracking element

directly associated with "pixel values associated with a target number and spatial

arrangement of pixels that are directly associated with the size and shapes of the swim suit. Therefore, the event is analogous with the swim suit that has a size and shape associated with signature pixels /color signature that is tracked from one position (frame) to a plurality of positions in the immediate vicinity of the assumed position (frame or first frame). Finally, further still, refer to appellant's Specification, notably, pages 14-15 beginning with <u>Event Processing</u>. The green shirt worn by the host is the center of focus, specifically, on page 15, lines 6-9 from "In this... show host". My point is that the green shirt and the swim suit are analogous because the moving green shirt may initiate events, similarly, the swim suit disclosed above may initiate events as claimed in an equivalent manner shown in the Appellant's Specification noted above.

Examiner points out that applicant argues matter not claimed, regarding the "extremely computation-intensive" invention of RANGAN et al (please see RESPONSE TO ARGUMENTS of the FINAL Office action). In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "extremely computation-intensive"/arduous task invention of RANGAN et al) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Second, because the "open-ended" recited claim language of applicant (use of comprising rather than consisting of, for example) allows use of RANGAN et al applied

to the instant invention.. Applicant's arguments fail to comply with 37 CFR 1.111(b)

because they amount to a general allegation that the claims define a patentable

invention without specifically pointing out how the language of the claims patentably

distinguishes them from the references. In other words, Appellant has chosen not to

define the processing steps so that RANGAN et al, being more arduous and

computationally extensive, would not anticipate the subject matter of the claim

language. However, because appellant failed to adhere to the suggestion to amend the

open-ended claim language using comprising to a more narrowly interpreted use of

consisting, Examiner maintains use of RANGAN et al anticipating ,recited claim

language of claims 31-32.

Appellant further discloses claims 34-38, and of these claims, claim 35 and claim

34 are similar, claims 35 and 36 are similar but relate to a color pattern, and claims 37

and 38 are similar but relate to an edge of a selected object.

Claim 35 recites a system in which the locations of an object selected by a pointing

device are determined. This claim also recites determining a color range for the

selected object and associating an event with the color range in succeeding video

frames.

RANGAN et al has already disclosed the means of a pointing device above. As

per the color range disclosed in claim 34, the FINAL Office Action disclosed column 3,

lines 29-64, specifically noting lines 35-44, wherein "a test function for determining the

color signature of the signature pixels..." is representative of the color range in the

recited claim language. Further still, the color range and the color signature of the

signature pixels disclosed by RANGAN et al with the swim suit (in at least column 7,
lines 7-52 and column 8, lines 40-52) are analogous. The event as recited in the claim
language is associated with the color range is the swim suit of the diver moving from
one immediate position to another (one immediate position to another is representative
of succeeding frames). Claims 35 and 36 are similar but relate to a color pattern.
Therefore, the color range and the color pattern are similar. Further, appellant has not
properly distinguished the color range from the color pattern. Thus, because the color
signature of the signature pixels is representative of the color range, the color pattern
and the color range of claim 34 are similar. Therefore, examiner maintains the Final
Office action as per claims 34, 35 and 36.

Appellant discloses dynamic tracking (line 9 of page 6) and continuous color
pattern (line 16 of page 6).

Before discussing RANGAN et al as associated with dynamic tracking (line 9 of
page 6) and continuous color pattern (line 16 of page 6), appellant argues subject
matter that is not recited in the claim language (please see the RESPONSE to
ARGUMENTS section of the FINAL Office Action). Appellant has not claimed dynamic
tracking nor continuous color pattern in the claim language. Further, although the claims
are interpreted in light of the specification, limitations from the specification are not read
into the claims. See In re Van Genus, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.
1993).

Further still, appellant argues that RANGAN et al's color signature records the color value of every value in a fixed area rather than detecting a color pattern based on a region of interest.

Before discussing attributes of RANGAN et al in association with recording color values rather than detecting color values, appellant must disclose how the recording of color values is distinguished from the detection of a color pattern. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

In response to appellant's argument that the references fail to show certain features of appellant's invention, it is noted that the features upon which applicant relies (i.e., dynamically track and continuous color pattern) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Further, appellant's argument on page 6 of the Appeal Brief on lines 8-9 is not convincing because nowhere within the recited claim language of claims 31-32 and 34-36 (nor 37-38) does appellant define an object based on its color. Examiner does not understand appellant's perspective. What exactly does appellant mean? Where exactly in the recited claim language does appellant make this analogy to defining an object based on its color? Appellant points out on lines 14-18 of page 6 that "This testing requires significant data to be computed at each frame". Appellant posited a

similar argument, examiner addressed in the FINAL Office Action, wherein, appellant

stated "Such a process is extremely computation-intensive-much more computation

than the system recited in the claims at issue". Appellant still argues subject matter that

is not claimed. Examiner suggested that appellant amend claim language removing

comprising (open-ended claim language) with more precise claim language, for

example, using consisting of, or possibly claiming successive steps, etc. However,

appellant refused.

Regarding claims 37 and 38, please read lines 5-8 on page 7. Appellant posits a

similar response, by once again arguing subject matter not recited in the claim

language. For example, please see lines 7-8 beginning with Nowhere does RANGAN

[et al] disclose or suggest tracking an object based soley on its color nor does it

dynamically change the shape and size of the object based on color. Lines 7-8 are

argued only and not given due representation in the recited claim language. Once

again, because appellant has chosen to use open-ended claim language RANGAN et al

discloses the recited claim limitations. Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See *In re*

Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Examiner cites ISSADORE-BARRECA et al as support for RANGAN et al.

Appellant argues that ISSADORE-BARRECA et al does not disclose the edge

detection means compatible with the fired wire frame tracking method taught by

RANGAN et al. Indeed, both systems would seem to be incompatible with each other.

Further appellant argues a failure to establish a prima facie case of obviousness as set

forth in MPEP sections 2142 and 2143.

In response to applicant's argument that there is no suggestion to combine the

references, the examiner recognizes that obviousness can only be established by

combining or modifying the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so found either in the

references themselves or in the knowledge generally available to one of ordinary skill in

the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re

Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, ISSADORE-

BARRECA et al modifies "a method for tracking a moving entity in a video presentation

(column 2, lines 35-44) of RANGAN et al because both inventions share similar

technological environments corresponding to the processing of moving video images

(ISSADORE-BARRECA et al) and tracking moving entities in a video presentation.

Further still, In response to applicant's argument that the references are not compatible,

the fact that applicant has recognized another advantage which would flow naturally

from following the suggestion of the prior art cannot be the basis for patentability when

the differences would otherwise be obvious. See Ex parte Obiaya, 227 USPQ 58, 60

(Bd. Pat. App. & Inter. 1985). Moreover, appellant argues that motivation to combine the

two references was not based on the subject matter of the two references (see page 7,

lines 24-28-the last paragraph). In response to applicant's argument that the examiner's

conclusion of obviousness is based upon improper hindsight reasoning, it must be

recognized that any judgment on obviousness is in a sense necessarily a reconstruction

based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Appellant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

On page 7, appellant states that "...all of the claims recite automatically associating an object with its color in a plurality of video frames. None of the references cited disclose such an automatic authoring system. Moreover, there is no reasonable expectation that the combined references would succeed in an interactive TV application.

First, appellant once again argues subject matter that is not recited in the claim language by discussing an interactive TV.

Although the claims are interpreted in light of the specification, limitations from

the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993). Secondly, please refer to column 4, line 66-column 5,

line 20, wherein, RANGAN et al clearly discloses automatically tracking element/image

29 entities in a video presentation. The swim suit worn by the diver has a color

range/color pattern analogous to the signature pixels and each signature pixel has a

known value for R, G, and B. (column 8, lines 40-52) from the video.

Finally, For all of the above reasons, the Patent Office board of Appeals is

respectfully requested to maintain examiner's findings in the FINAL Office Action

because appellant has not taken the opportunity (clearly pointed out by examiner) to

simply amend the open-ended claim language.

(11) Related Proceeding(s) Appendix

There are no related proceedings.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Examiner Blackman

Conferees:

SPE Bipin Shalawala, SPE Matthew Bella, and Examiner Anthony Blackman

MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

BIPIN SHALWALA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER